

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO. 03-765-01 (Baylson, J.)

v. : DATE FILED 11/18/03

JOSEPH C. CANN : VIOLATIONS: 21 U.S.C. §§ 841(a)(1) & 841(b)(1)(C)
(Possession with intent to distribute cocaine
- 1 count)

: 21 U.S.C. § 860(a) (Possession with intent to
distribute cocaine within 1,000 feet of a
school - 1 count)

: 18 U.S.C. § 924(c)(1) (Carrying a firearm during and
in relation to a drug trafficking crime - 1
count)

: 18 U.S.C. § 922(g)(1) (Felon in possession of a
firearm - 1 count)

: Notice of prior conviction

: Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about May 17, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

JOSEPH C. CANN

knowingly and intentionally possessed with intent to distribute a mixture or substance containing
a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 17, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

JOSEPH C. CANN

knowingly and intentionally possessed with intent to distribute a mixture or substance containing

a

detectable amount of cocaine, a Schedule II controlled substance, within 1,000 feet of the real property comprising the Bluford School, a public elementary school, located at 58th and Media Streets, Philadelphia, PA 19131, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 21, United States Code, Section 860(a).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 17, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

JOSEPH C. CANN

knowingly carried a firearm, that is, a Sig Sauer-Arms .357 caliber semiautomatic handgun, Model P-239, serial number SA4-42857, loaded with 8 live rounds of ammunition, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with intent to distribute cocaine and possession with intent to distribute cocaine within 1,000 feet of a school, in violation of Title 21, United States Code, Sections 841(a)(1) and 860(a), as charged in Counts One and Two of this indictment.

In violation of Title 18, United States Code, Section 924(c)(1).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 17, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

JOSEPH C. CANN,

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate and foreign commerce a firearm, that is, a Sig Sauer-Arms .357 caliber semiautomatic handgun, Model P-239, serial number SA4-42857, loaded with 8 live rounds of ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

NOTICE OF PRIOR CONVICTION

Defendant JOSEPH C. CANN committed the offenses charged in Counts One and Two of this Indictment after the following felony drug offense conviction in a court of the Commonwealth of Pennsylvania had become final:

1. Delivery of a controlled substance (cocaine): C.P. Phila. Cty. 9310-115.

NOTICE OF FORFEITURE (18 U.S.C. § 924(d))

As a result of the violations of Title 18, United States Code, Sections 924(c)(1) and 922(g)(1), set forth in Counts Three and Four of this indictment, the defendant

JOSEPH C. CANN

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of these offenses, including, but not limited to:

One Sig Sauer-Arms .357 caliber semiautomatic handgun, Model P-239, serial number SA4-42857, and eight live rounds of ammunition.

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 924(d).

A True Bill:

GRAND JURY FOREPERSON

PATRICK L. MEEHAN
UNITED STATES ATTORNEY